

JFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Aravinda KORALA

Serial No.: 09/646,796 /

Filed: November 21, 2000

Art Unit: 3691

Examiner: Lalita HAMILTON

For: **APPARATUS AND METHOD FOR
PROVIDING TRANSACTION SERVICES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

The courtesy of Examiner Hamilton in granting a personal interview to the applicant's attorney is gratefully acknowledged.

During the interview, the applicant's attorney briefly described the invention, stating: that it related to middleware software for, for example, ATM's; that ATM's have associated devices such as printers and card readers; that a type of a device, such as printers, can be made by different manufacturers, and different printers can require different software interfaces for operation; and that the software application of the ATM is unable to accommodate the various printers and various other devices associated with, for example, an ATM. The applicant's attorney pointed out that a claimed feature of the invention is, as is recited, for example, in claim 114, middleware software comprising a software component for each device type, each software component embodying an ability to interpret specific capabilities of a plurality of devices belonging to the device type that the software component is for, and that, as a result of this

feature, the recited middleware enables the ATM to work with various printers and other devices.

The applicant's attorney told the Examiner that he did not know how the Examiner was interpreting the Albert et al. reference. He said that it was his understanding (from the Examiner's statement in the final Office Action, and again in the Advisory Action, that a connection may be established in the apparatus of Albert et al. to download new programs to a terminal via a wireless adaptor) that the Examiner was acknowledging that Albert et al. does not disclose the claimed middleware and that she was relying on the downloading disclosure of Albert et al. to download the claimed software from somewhere else. With that understanding in mind, the applicant's attorney stated that one of ordinary skill, without the benefit of knowledge of the present application, would not know whether the claimed middleware even existed and that there is no evidence that the claimed middleware did exist.

The Examiner made clear that she does not acknowledge that Albert et al. does not disclose the claimed middleware. The applicant's attorney indicated that Albert et al. does not disclose the claimed middleware and, when he asked where in Albert et al. the claimed middleware is disclosed, the Examiner referred to the passage in Albert et al. that she cited in the Advisory Action, namely, "The phone line connector 240 is also coupled to a ringing generator 244. The ringing generator 244 may be omitted if the terminal 100 does not take its phone line interface 132 into an off-hook state in response to a ringing signal. The ringing signal may be used by the wireless adaptor 200 to initiate a connection between the wireless adaptor 200 and the terminal 100 in cases where the terminal 100 responds to a ringing signal. Such a connection may be established to download new programs to the terminal 100 via the wireless adaptor 200." (Column 11, lines 30-40 of Albert et al.) The applicant's attorney indicated to the Examiner that the cited passage does not disclose software, but rather alternative arrangements that can be made of some of the elements of Albert et al. when the Albert et al. apparatus is put together, and he stated that such a disclosure is much different from middleware software that has an ability to interpret specific capabilities of a plurality of devices of a given device type. The Examiner disagreed, indicating that the cited passage of Albert et al. does disclose the claimed feature of middleware software comprising a software component for each device type, each software component embodying an ability to interpret specific capabilities of a plurality of devices belonging to the device type that the software component is for. The Examiner stated that the claims and specification of the application are broad and indicated that Albert

et al. discloses the middleware of the present invention, as the invention is claimed.


The Examiner stated that the present application involves downloading updates and that Albert et al. discloses downloading updates. The applicant's attorney pointed out that downloading updates is not at the core of the present invention, but that a software component for each device type, each software component embodying an ability to interpret specific capabilities of a plurality of devices belonging to the device type that the software component is for, is at the core of the present invention. He added that this feature is not disclosed in Albert et al. The Examiner disagreed.

The applicant's attorney pointed out that the ground of rejection that was being discussed was Hillson in view of Albert et al. and requires that, without knowledge of the present application, it would have been obvious to one of ordinary skill to incorporate in Hillson the feature of Albert et al. that the Examiner considers to be the middleware software of the claims. The Examiner said that it would have been obvious.

The Examiner indicated again that the claims, as written, are not patentable over Hillson in view of Albert et al. The applicant's attorney stated that, despite the discussions that had just taken place at the interview, he had no idea how to amend the claims to make them acceptable to the Examiner. When the applicant's attorney asked if the Examiner had any suggestions for claim changes that would render the claims patentable, the Examiner indicated that she had no such suggestions. The Examiner added that, if proposed claim changes were sent to her by email, she would review them.

Respectfully submitted,

Date: 4-27-09


John P. Shannon
Registration No. 29,276

Merek, Blackmon & Voorhees, LLC
673 South Washington Street
Alexandria, VA 22314
(703) 684-5633
Customer No. 48234

Serial No. 09/646,796



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 4-27-09.


John P. Shannon